

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
FEBRUARY 19, 2019
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:35 PM by Council President O'Leary.

Present: David Anderson, Thomas R. Bullock III, Meghan George, John Litten, Samuel T. O'Leary, Dan O'Malley, Tristan Rader

Also Present: Law Director Butler, Finance Director Pae, Planning and Development Director Sylvester, Human Resources Director Yousefi, Police Chief Malley, Fire Chief Gilman & Human Services Director Gelsomino, Public Works Director Beno

Reading and disposal of the minutes of the Regular Meeting of Council held February 4, 2019.

Motion by Mr. O'Leary, seconded by Mr. Anderson, to defer. All members voted in favor. Motion passed.

Without objection Council President O'Leary moved docket items #6-9 to the top of the agenda.

******OLD BUSINESS******

1. Committee of the Whole report regarding meetings held February 2nd, 4th, and 11th 2019. (pg. 1)

Motion by President O'Leary, seconded by Vice President Anderson to receive and file the reports.

Discussion: In response to a question by Councilmember George, Director Butler clarified that councilmembers may vote to approve minutes even if they are absent from the meeting in question.

On the motion: All members voted in favor. Motion passed.

2. Committee of the Whole report regarding meetings held February 19th 2019. (to be provided)

Motion by President O'Leary, seconded by Vice President Anderson to defer the report.

All members voted in favor. Motion passed.

3. Finance Committee report regarding meeting held February 19th 2019. (to be provided)

Councilman O'Malley stated that the committee discussed proposed Ordinance 01-19 regarding paid parental leave benefits for full-time employees of the City. Chiefs Gilman and Malley were present along with Directors Pae, Yousefi, Butler, Gelsomino. All members of the Finance Committee were in attendance, including Councilmen Bullock, Anderson, and Clerk of Council McHugh Bach. The committee learned about how many employees in the last 3 years have taken vacation/sick/comp time due to the birth of their child. The committee will convene again and hopes to hear from employees and union representatives that serve the city's various unionized workers.

Motion by President O'Leary, seconded by Vice President Anderson to receive and file the report.

All members voted in favor. Motion passed.

4. **ORDINANCE 01-19** – AN ORDINANCE to establish paid parental leave benefits for full-time employees of the City of Lakewood. (Placed on 1st reading and referred to Finance Committee 1/7/19; 2nd reading 1/22/19) (pg. 3)

Motion by President O'Leary, seconded by Vice President Anderson to defer Ordinance 01-19.

On the motion: all members voted in favor. Motion passed.

5. **ORDINANCE 06-19** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, repealing Section 549.051, Sale, Possession and use of Stun Guns, of the Codified Ordinances of

the City of Lakewood as this section is no longer enforceable. (Placed on 1st reading and referred to Public Safety Committee 2/4/19) (pg. 8)

Motion by President O'Leary, seconded by Vice President Anderson to defer Ordinance 06-19.

Discussion: President O'Leary reiterated his previous statements that he would appreciate regulation on stun guns to replace the repeal being proposed.

On the motion: all members voted in favor. Motion passed.

******NEW BUSINESS******

6. Communication from Council President O'Leary and Councilmember Bullock regarding Resolution to honor Rick Sicha. (pg. 10)

Motion by Councilmember Bullock, seconded by President O'Leary to receive and file the communication.

President O'Leary read into the record a correspondence from Ian Andrews, Executive Director of Lakewood Alive, expressing appreciation to Mr. Sicha for his years of service on LHAB. Correspondence is attached.

On the motion: all members voted in favor. Motion passed.

7. **RESOLUTION 9055-19** - A RESOLUTION to recognize and thank Rick Sicha for the extraordinary length and quality of his service and leadership to the Lakewood Heritage Advisory Board since its inception in 1995. (pg. 11)

Motion by President O'Leary, seconded by Vice President Anderson to adopt Resolution 9055-19.

Councilmember Bullock recognized former LHAB volunteers Heather Rudge, Marcia Moll, and others present and thanked them and Mr. Sicha for their years of service. He recollected as a new councilmember receiving a briefing from LHAB members on the historic preservation ordinance. He noted that LHAB's many years of efforts are continuing to bear fruits. He encouraged their continued engagement.

Rick Sicha

Mr. Sicha recapped the origins of LHAB, established in 1995. He summarized some its key work since that time, highlighting the historic preservation ordinance. He spoke of his plans for continued engagement in historic preservation activities.

On the motion: all members voted in favor. Motion passed. Resolution 9055-19 adopted.

8. Communication from Councilmember George regarding resolution to express gratitude to the Schmidt Family, long-time owner-operators of the Marathon Gas Station on Lake Avenue. (pg. 12)

Motion by Councilmember George, seconded by President O'Leary to receive and file the communication.

Discussion: Ms. George expressed gratitude to the family for its time in the community.

On the motion: all members voted in favor. Motion passed.

9. **RESOLUTION 9056-19** - A RESOLUTION to recognize and thank Peter and Michael Schmidt and the Schmidt family for their quality service to the Lakewood community through their Marathon Gas station and auto repair business on Lake Avenue. (pg. 13)

Motion by President O'Leary, seconded by Vice President Anderson to adopt Resolution 9056-19.

All members voted in favor. Motion passed. Resolution 9056-19 adopted.

10. Communication from Council President O'Leary regarding Youth Council Planning Task Force Appointees. (pg. 14)

Motion by President O'Leary, seconded by Vice President Anderson to receive and file the communication.

Discussion: President O'Leary remarked that he expects to have an applicant pool assembled shortly and that there are many youth in the community who have already expressed interest. For the benefit of the girl scouts in the audience, President O'Leary explained the Youth Council initiative and encouraged the girls to remain involved.

On the motion: all members voted in favor. Motion passed.

11. **RESOLUTION 9057-19** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or

otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Youth Council Planning Task Force. (pg. 15)

Motion by President O'Leary, seconded by Vice President Anderson to defer Resolution 9057-19.

President O'Leary remarked that he has moved to defer because there is not yet a finalized pool of applicants.

On the motion: all members voted in favor. Motion passed.

12. **RESOLUTION 9058-19** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Youth Council Planning Task Force. (pg.16)

Motion by President O'Leary, seconded by Vice President Anderson to defer Resolution 9059-19.

On the motion: all members voted in favor. Motion passed.

13. **RESOLUTION 9059-19** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Youth Council Planning Task Force. (pg.17)

Motion by President O'Leary, seconded by Vice President Anderson to defer Resolution 9059-19.

On the motion: all members voted in favor. Motion passed.

14. Communication from Council President O'Leary Regarding Office Hours and Upcoming Townhalls. (pg. 18)

Motion by President O'Leary, seconded by Vice President Anderson to receive and file the communication.

On the motion: all members voted in favor. Motion passed.

15. Communication from Council President O'Leary regarding Designation of Election Day as Holiday for City Employees. (pg. 19)

Motion by President O'Leary, seconded by Vice President Anderson to refer to Committee of the Whole.

On the motion: all members voted in favor. Motion passed.

16. Communication from Council President O'Leary and Councilmembers Litten and O'Malley Regarding Drive-Through Businesses and Changes to Zoning Code. (pg.20)

Motion by President O'Leary, seconded by Vice President Anderson to refer to Planning Commission.

Discussion: Councilmember O'Malley expressed that while it's important that the City's policies and Code are updated he would not support a ban or moratorium on drive-through businesses. He noted that many citizens use drive-throughs but that the Code should reflect new updates.

President O'Leary noted that many businesses are adopting drive-through features such as grocery stores, prompting the need to re-evaluate the Code. He also expressed no interest in a ban or moratorium.

On the motion: all members voted in favor. Motion passed.

17. Communication from Councilmember O'Malley regarding a resolution to amend the charter to require a primary election for the position of Municipal Court Judge. (pg. 21)

President O'Leary expressed support for the proposal and thanked Mr. O'Malley for bringing it forward.

Motion by President O'Leary, seconded by Vice President Anderson to receive and file the communication.

Discussion: In response to a question by Mr. Rader, Mr. O'Malley explained that after speaking with members of the Charter Review Commission, they acknowledged that this issue was overlooked in their deliberations. He explained that many Charters are written in this manner.

On the motion: all members voted in favor. Motion passed.

18. **ORDINANCE 07-19** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, providing for the submission to the electors of the City of Lakewood an amendment to the Third Amended Charter of the City of Lakewood in order to create a primary election for the office of municipal court judge. (pg.22)

At the request of President O'Leary, Director Butler discussed the timeline for submittal to the ballot. September 6th is the deadline for submitting the ordinance to the Board of Elections for placement on the ballot of the November general election.

President O'Leary noted that the Third Amended Charter was amended to ensure agreement between the City's ballot deadline and the Board of Election's deadline.

Motion by Mr. Bullock, seconded by President O'Leary to refer to Committee of the Whole.

On the motion: all members voted in favor. Motion passed.

19. Communication from Councilmembers Litten & Rader regarding lead exposure among children. (pg.26)

Motion by Mr. Litten, seconded by President O'Leary to refer to Health & Human Services Committee.

Discussion: Mr. Rader praised Mr. Litten's initiative on this issue and expressed enthusiasm for a discussion in committee. He noted that while lead poisoning levels have been declining that they have stagnated over the past few years. There are potentially 250-260 Lakewood children who are testing high for blood lead levels.

On the motion: all members voted in favor. Motion passed.

20. Communication from Mayor Summers regarding resolution to ratify Phase 2 IWWIP Plan. (pg.27)

Motion by President O'Leary, seconded by Vice President Anderson to receive and file the communication.

On the motion: all members voted in favor. Motion passed.

21. **RESOLUTION 9060-19** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of council, or otherwise to take effect at the earliest period allowed by law, ratifying and endorsing the City's Integrated Wet Weather Improvement Plan, and especially the Priorities and Principles recited therein. (pg.28)

Council President O'Leary explained the city's need to get permits for the IWWIP plan to the benefit of a children and younger members of the crowd.

Councilman Bullock asked questions regarding the IWWIP plan, specifically whether there are some potential building code best practices that the city could adopt to adhere to the plan. He also inquired whether the city could disseminate information to private property owners in the meantime while waiting for plan approval, or is this something that would have to wait until an arbitrary date in the future, such as 2029, to do such an effort. Special Counsel McMahon stated that the city does not have to wait to involve private homeowners and that the city will be getting data from a pilot study that was conducted in a Lakewood neighborhood in order to make equitable policy on the matter. Councilman Bullock commented that it sounds like the city has more analysis to do to figure out how to address that. McMahon stated that the legal strength of the city's position is still in the process of being determined. Congress has amended portions of the Clean Water Act and it has caused the EPA to figure out new rules and Lakewood is being treated as a test guinea pig in this instance. Council Bullock commented that it appears the city has done a lot of analysis that will allow future councils and administrations to build on the foundation that has been laid. McMahon stated that the alternative to the city's proposed plan is a consent decree that will come from the federal government over 20-30 years that will not allow the degree of flexibility that a permit provides with 5 year check-ins.

Councilman O'Malley asked if the city sees the Ohio EPA as the chief regulator on this matter versus the federal EPA. McMahon stated that the hope is the Ohio EPA is the chief regulator under the plan that the city has proposed, but it remains to be seen. Lakewood is one of the few communities larger than 50,000 people that is not already under a federal consent decree, which is more stringent and does not get us anywhere faster. O'Malley asked, with the new governor and his administration, does the city see any change with how the Ohio EPA addresses Lakewood's issues. McMahon stated that the new Ohio EPA administrator has been on the job for 1 month, but comes from the same school of thought as the previous director. The city is meeting with the Ohio EPA next week to request their oversight.

All members voted in favor. Motion passed. Resolution 9060-19 adopted.

22. Communication from Mayor Summers regarding Mayoral appointment to the Planning Commission. (pg.38)

Motion by President O'Leary, seconded by Vice President Anderson to receive and file the communication.

On the motion: all members voted in favor. Motion passed.

23. Communication from Finance Director Pae regarding 2019 1st Quarter transfers & advances ordinance. (pg.39)

Motion by President O'Leary, seconded by Vice President Anderson to receive and file the communication.

On the motion: all members voted in favor. Motion passed.

24. **ORDINANCE 08-19** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force at the earliest period allowed by law, authorizing the transfer and advance of certain funds. (pg.40)

Motion by President O'Leary, seconded by Vice President Anderson to refer to Finance Committee.

On the motion: all members voted in favor. Motion passed.

President O'Leary asked for clarification that Resolution 9060-19 was moved for adoption and passed.

Director Butler agreed that it was.

******PUBLIC COMMENT******

Mr. Dorian Blair of 11715 Lake Ave. made public comments regarding parking for handicapped individuals and the creation of a veteran's center in Lakewood. He stated that he moved to Lakewood 2 months ago from Cleveland. He is a Persian Gulf War veteran and served in the US Navy. He has issues with parking near W. 117th St. There are no public handicapped parking spots on Lake Ave., Detroit Ave., or W. 117th St. He was told by someone in the Streets Department that they would have to do it for all other streets so installing a handicapped space on Lake might not get done. He then contacted County

Councilperson Dan Brady who referred him to the city. He stated that he caught pneumonia because he's had to walk in the cold and park his car over by the 125th block, far away from his apartment building. He requests that he have handicapped parking spots installed near his home on Lake Ave. near W. 117th St. Council President O'Leary stated that he appreciated Mr. Blair's comments and Councilman O'Malley expressed his intent on connecting with Mr. Blair after meeting concluded.

Mr. Blair is also concerned about veteran services. He stated he spoke with Melissa Garrett last week and inquired about veteran services in Lakewood. He stated the US has been in 14 conflicts since 1990 and the he was recruited out of the Lakewood Armed Services recruitment office. Cuyahoga County has 1.2 million people and the county has approximately 200,000 veterans. Within Lakewood, there is no office that serves veterans. He was not offered services when coming back to Ohio. He found out about services by happenstance. He is asking for the council to bring back a veteran service center that used to operate out of the senior center that works with surrounding cities to provide veteran services. Council President O'Leary stated that Council is discussing relocating the senior center and will have additional discussion on the proposition.

At 8:51 p.m. Council President O'Leary made a motion to adjourn the meeting, which was seconded by Councilman Anderson. Motion passed. All members voted in favor.

Approved: 3/4/19

Mamen M Bach

CLERK

[Signature]
PRESIDENT



Lakewood City Council
c/o Sam O'Leary, Council President
12650 Detroit Avenue
Lakewood, OH 44107

Dear Council President O'Leary,

On behalf of LakewoodAlive's board, volunteers and staff, I write to express our incredible gratitude and appreciate to Rick Sicha for his service to the Lakewood Heritage Advisory Board, and to thank council for recognizing his dedication to historic preservation in our community.

Rick has been one of Lakewood's most consistent and passionate advocates when it comes to helping the community preserve our historic building stock while working toward improving our efforts to bring historic preservation to the forefront. Lakewood is a special place and it's critically important that we preserve our historic roots. Through Rick's efforts and the efforts of many more, this mindset is taking hold and we are excited to see historic tax credit projects and historic districts emerge along with signs marking important people and moments in time.

Additionally, Rick has been a longtime volunteer with LakewoodAlive, receiving the Tim Laskey Volunteer of the Year Award in 2011. As an organization that supports and advocates for historic preservation through its design committee, Rick has been exceptionally helpful over the years, including our efforts to collaboratively save the historic Curtis Block from demolition.

Thanks to City Council for recognizing Rick Sicha's dedication and passion for this community. It's very well deserved and well earned.

Sincerely,

Ian Andrews
Executive Director